

**Denying the Appeal**

(Appeal from Impact Fee Determination)

RESOLUTION NO. A-\_\_\_\_\_

1 WHEREAS, Robert A. Hoffman, hereinafter Appellant, has filed Impact Fee  
2 Application 1FW05039 to install water service utilizing a 3/4 inch water meter on  
3 property located at 3805 North 44th Street; and

4 WHEREAS, 3805 North 44th Street has had sewer service since 1960 but never  
5 has had City water as the property had its own water well; and

6 WHEREAS, the Impact Fee Administrator calculated the Impact Fees for the new  
7 water service utilizing a 3/4 inch water meter using the Impact Fee Schedules beginning  
8 January 1, 2005; and

9 WHEREAS, the Impact Fee Determination was dated September 6, 2005; and

10 WHEREAS, the Appellant filed his Notice of Appeal on September 6, 2005,  
11 appealing the Impact Fee Determination requesting that the Impact Fee be waived or  
12 reduced as property taxes have been paid by the property owners of 3805 North 44th  
13 Street since the building was constructed on the property in 1960, and that strict  
14 application of the Impact Fee Ordinance's calculations under these circumstances work  
15 an unjust and undue burden on the Appellant; and

16 WHEREAS, the City Council finds that property taxes are not used to fund Water  
17 Distribution and Water System Impact Fee Facility Improvements; and

18 WHEREAS, the City Council finds that the Impact Fee was correctly calculated  
19 and that there are no unusual circumstances for the development which demonstrate

1 that the application of the fee to the development would be unfair or unjust as the  
2 requested waiver reduction based upon the prior payment of property taxes since  
3 construction of the building in 1960 does not meet any of the stipulations or conditions  
4 required for reduction and/or exemption from Water Distribution and Water Supply  
5 Impact Fees.

6 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
7 Lincoln, Nebraska:

8 That the Impact Fee Appeal filed by Robert A. Hoffman on September 6, 2005 is  
9 hereby denied for the following reason:

10 1. The requested exemption does not meet any of the stipulations or  
11 conditions required for reduction or exemption from Water Distribution or Water Supply  
12 Impact Fees.

Introduced by:

\_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2005:

\_\_\_\_\_  
Mayor